IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 389 OF 2006
IN
NOTICE OF MOTION NO. 599 OF 2006
IN
SUIT NO. 568 OF 2006

Sami Khatib & Another .. Appellants.

V/s.

Cadilla Pharmaceuticals Ltd. .. Respondents.

Dr.Virendra Tulzapurkar with Mr.A.S.Kamat i/by M/s. Bharat Shah & Company for the Appellants.

Mr. Janak Dwarkadas with Mr. Vinod Bhagat i/by Mr. G.S. Hegde and Mr. V.A.Bhagat for the Respondents.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 18TH AUGUST, 2006.

P.C.:

. Heard.

2. The Appeal is directed against the order passed by the learned Motion Judge on 29th March, 2006, declining to grant ad-interim relief to the Plaintiffs.

3. Since the Appeal is directed against the Ad-interim order, in our considered view, multiplicity of the hearing should be avoided and interest of justice

shall be subserved if the motion itself is heard finally by the learned Motion Judge expeditiously.

4. We, accordingly, dispose of this Appeal by the following order.

ORDER

i. The Defendants may file an additional affidavit alongwith the necessary documents in opposition to the notice of motion within one week from today with an advance copy to the Advocate for the plaintiffs.

ii. The Plaintiffs shall be at liberty to file rejoinder / affidavit and relevant documents within one week thereafter.

iii. The Motion Judge is requested to hear and decide the notice of motion expeditiously and preferably within three months from filing of the rejoinder / affidavit by the Plaintiffs.

iv. Needless to say that the findings/ observations made in the impugned order shall not influence the learned Motion Judge in deciding the notice of motion on

its own merit.

v. Appeal is disposed of accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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